



March 25, 2005

ENGROSSED SENATE BILL No. 607

DIGEST OF SB 607 (Updated March 22, 2005 4:22 pm - DI 77)

Citations Affected: IC 16-46; IC 25-1; IC 25-33; noncode.

Synopsis: Professional licensing. Changes the membership of the commission on health care interpreters and translators. Requires the governor to make appointments to the commission. Requires the commission to establish certification and registration qualifications for health care interpreters and translators. Allows a person who completes an approved hospital in-service program to be certified or registered. Provides that a person who is not certified or registered may not profess to be a certified or registered health care interpreter and translator. Combines the health professions bureau into the professional licensing agency. Repeals a provision concerning the health professions bureau that is similar to a provision concerning the professional licensing agency. Allows certain state licensure exams to apply to the psychology reciprocity requirements.

Effective: July 1, 2005.

Meeks

(HOUSE SPONSOR — ALDERMAN)

January 24, 2005, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

February 10, 2005, reported favorably — Do Pass.

February 14, 2005, read second time, ordered engrossed.

February 15, 2005, engrossed. Read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 8, 2005, read first time and referred to Committee on Public Health.

March 24, 2005, amended, reported — Do Pass.

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ES 607—LS 7818/DI 110+



March 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 607

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-46-11.1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. For purposes of this
3 chapter, "health care interpreter" means a professional interpreter who
4 works primarily in the field of health care, facilitating the **bilingual**
5 oral communication among a:
6 (1) provider;
7 (2) patient; and
8 (3) patient's family.
9 SECTION 2. IC 16-46-11.1-4 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The commission on
11 health care interpreters and translators is established. The ~~state~~
12 **department Indiana professional licensing agency** shall provide staff
13 for the commission.
14 SECTION 3. IC 16-46-11.1-5 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The commission
16 consists of the following ~~fifteen (15)~~ **eleven (11)** members:
17 ~~(1) One (1) member representing the state department.~~

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- ~~(2)~~ **(1)** One (1) member representing local health departments.
~~(3)~~ **(2)** One (1) member representing the medical profession.
~~(4)~~ **(3)** One (1) member representing institutions of higher education in Indiana.
~~(5)~~ **(4)** Two (2) members representing patient advocacy groups.
~~(6)~~ **(5)** One (1) member representing community organizations.
~~(7)~~ **(6)** One (1) member representing interpreter professional associations.
~~(8)~~ **(7)** One (1) member representing translator professional associations.
~~(9)~~ **(8)** One (1) member representing hospitals.
~~(10)~~ **(9)** One (1) member representing the interagency state council on black and minority health.
~~(11)~~ **(10)** One (1) member representing the department of correction who is nominated by the commissioner of the department of correction.
~~(12)~~ **(11)** One (1) member representing the department of education who is nominated by the state superintendent of public instruction.
~~(13)~~ **(12)** One (1) member representing the office of Medicaid policy and planning who is nominated by the director of the office of Medicaid policy and planning.
~~(14)~~ **(13)** The executive director of the health professions bureau or the executive director's designee.
(9) One (1) member representing organizations for the deaf and hard of hearing.
(10) One (1) member who is not a health care professional and is associated with the health care interpreters or translators profession other than as a consumer.

The ~~state health commissioner~~ **governor** shall appoint the members of the commission. ~~designated by subdivisions (1) through (13):~~ The appointments made under this subsection must be made in a manner to maintain cultural and language diversity.

(b) The ~~state health commissioner~~ **commission** shall ~~designate:~~ **annually elect:**

- (1) one (1) member **of the commission** as chairperson of the commission; and
- (2) one (1) member **of the commission** as vice chairperson of the commission.

(c) Except for the member of the commission designated by subsection ~~(a)(14):~~ A member is appointed to a term of two (2) years or until a successor is appointed. A member may be reappointed to an

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unlimited number of terms.

(d) Except for the member of the commission designated by subsection (a)(14), If a member:

(1) resigns;

(2) dies; or

(3) is removed from the commission;

before the expiration of the member's term, the state health commissioner **governor** shall appoint a new member to serve for the remainder of the term.

(e) The expenses of the commission shall be paid from funds appropriated to the state department.

(e) The governor may remove a member of the commission for cause.

(f) Each member of the commission who is **not** a state employee is entitled to the minimum salary per diem as provided under IC 4-10-11-2.1(b) and reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure.

(h) The commission shall meet quarterly or on the call of the chairperson.

SECTION 4. IC 16-46-11.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The commission shall **adopt rules under IC 4-22-2** to do the following:

(1) Write bylaws concerning the operation of the commission:

(2) Define the terms "health care interpreter" and "health care translator".

(3) Review and determine the proper level of regulation or oversight that Indiana should have over health care interpreters and health care translators practicing in Indiana:

(4) Recommend the level and type of education necessary to perform the job of:

(A) a health interpreter; and

(B) a health care translator:

(5) Recommend standards that health care interpreters and health care translators should meet in order to practice in Indiana:

(1) Establish qualifications for certified health care interpreters, including proficiency standards in the following

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areas:

(A) Multiple languages.

(B) Ethics.

(C) Cultural competency.

(D) Knowledge of health care terminology and health care systems.

(2) Establish qualifications for registered qualified health care interpreters who meet basic competencies.

(3) Establish qualifications for certified health care translators, including proficiency standards in the following areas:

(A) Multiple languages.

(B) Ethics.

(C) Cultural competency.

(D) Knowledge of health care terminology and health care systems.

(E) Writing, proofreading, and editing skills.

(4) Establish qualifications for registered qualified health care translators who meet basic competencies.

(5) Establish a code of ethics for health care interpreters and translators.

(6) Provide examinations required for certification under this chapter.

(7) Establish renewal procedures.

(b) The commission shall establish fees for purposes of this chapter under IC 25-1-8-2.

SECTION 5. IC 16-46-11.1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The hospital council established by IC 16-21-1-1 shall adopt criteria that allow a hospital licensed under IC 16-21-2 to provide a hospital in-service program to train health care interpreters and health care translators. The hospital council shall consider the qualifications established under section 6 of this chapter when determining the criteria for hospital in-service programs.

(b) An individual who successfully completes a hospital health care interpreter or health care translator in-service program that:

(1) is administered by a hospital licensed under IC 16-21-2; and

(2) meets the requirements established by the hospital council; meets the qualifications for registration and certification as a health care interpreter or a health care translator and is exempt

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from the examination provided under section 6(a) of this chapter.

SECTION 6. IC 16-46-11.1-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 8. An individual may not:**

(1) **profess to be a:**

(A) **certified health care interpreter;**

(B) **certified health care translator;**

(C) **registered qualified health care interpreter; or**

(D) **registered qualified health care translator;**

(2) **use the title:**

(A) **certified health care interpreter;**

(B) **certified health care translator;**

(C) **registered qualified health care interpreter; or**

(D) **registered qualified health care translator; or**

(3) **use any other words, letters, abbreviations, or insignia indicating or implying that the individual is certified or registered under this chapter;**

unless the individual is certified or registered under this chapter.

SECTION 7. IC 16-46-11.1-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 9. An individual who violates this chapter commits a Class C infraction.**

SECTION 8. IC 25-1-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.1.** Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

(1) **Certified public accountants, public accountants, and accounting practitioners.**

(2) **Architects and landscape architects.**

(3) **Dry cleaners.**

(4) **Professional engineers.**

(5) **Land surveyors.**

(6) **Real estate brokers.**

(7) **Real estate agents.**

(8) **Security dealers' licenses issued by the securities commissioner.**

(9) **Dental hygienists.**

(10) **Dentists.**

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- 1 (11) Veterinarians.
- 2 (12) Physicians.
- 3 (13) Chiropractors.
- 4 (14) Physical therapists.
- 5 (15) Optometrists.
- 6 (16) Pharmacists and assistants, drugstores or pharmacies.
- 7 (17) Motels and mobile home park licenses.
- 8 (18) Nurses.
- 9 (19) Podiatrists.
- 10 (20) Occupational therapists and occupational therapy assistants.
- 11 (21) Respiratory care practitioners.
- 12 (22) Social workers, marriage and family therapists, and mental
- 13 health counselors.
- 14 (23) Real estate appraiser licenses and certificates issued by the
- 15 real estate appraiser licensure and certification board.
- 16 (24) Wholesale legend drug distributors.
- 17 (25) Physician assistants.
- 18 (26) Dietitians.
- 19 (27) Hypnotists.
- 20 (28) Athlete agents.
- 21 (29) Manufactured home installers.
- 22 (30) Home inspectors.

23 **(31) Health care interpreters and translators.**

24 SECTION 9. IC 25-1-2-6 IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) As used in this section,
 26 "license" includes all occupational and professional licenses,
 27 registrations, permits, and certificates issued under the Indiana Code,
 28 and "licensee" includes all occupational and professional licensees,
 29 registrants, permittees, and certificate holders regulated under the
 30 Indiana Code.

31 (b) This section applies to the following entities that regulate
 32 occupations or professions under the Indiana Code:

- 33 (1) Indiana board of accountancy.
- 34 (2) Indiana grain buyers and warehouse licensing agency.
- 35 (3) Indiana auctioneer commission.
- 36 (4) Board of registration for architects and landscape architects.
- 37 (5) State board of barber examiners.
- 38 (6) State board of cosmetology examiners.
- 39 (7) Medical licensing board of Indiana.
- 40 (8) Secretary of state.
- 41 (9) State board of dentistry.
- 42 (10) State board of funeral and cemetery service.



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- 1 (11) Worker's compensation board of Indiana.
- 2 (12) Indiana state board of health facility administrators.
- 3 (13) Committee of hearing aid dealer examiners.
- 4 (14) Indiana state board of nursing.
- 5 (15) Indiana optometry board.
- 6 (16) Indiana board of pharmacy.
- 7 (17) Indiana plumbing commission.
- 8 (18) Board of podiatric medicine.
- 9 (19) Private detectives licensing board.
- 10 (20) State board of registration for professional engineers.
- 11 (21) Board of environmental health specialists.
- 12 (22) State psychology board.
- 13 (23) Indiana real estate commission.
- 14 (24) Speech-language pathology and audiology board.
- 15 (25) Department of natural resources.
- 16 (26) State boxing commission.
- 17 (27) Board of chiropractic examiners.
- 18 (28) Mining board.
- 19 (29) Indiana board of veterinary medical examiners.
- 20 (30) State department of health.
- 21 (31) Indiana physical therapy committee.
- 22 (32) Respiratory care committee.
- 23 (33) Occupational therapy committee.
- 24 (34) Social worker, marriage and family therapist, and mental
- 25 health counselor board.
- 26 (35) Real estate appraiser licensure and certification board.
- 27 (36) State board of registration for land surveyors.
- 28 (37) Physician assistant committee.
- 29 (38) Indiana dietitians certification board.
- 30 (39) Indiana hypnotist committee.
- 31 (40) Attorney general (only for the regulation of athlete agents).
- 32 (41) Manufactured home installer licensing board.
- 33 (42) Home inspectors licensing board.
- 34 **(43) Commission on health care interpreters and translators**
- 35 **(IC 16-46-11.1-4).**
- 36 ~~(43)~~ **(44)** Any other occupational or professional agency created
- 37 after June 30, 1981.
- 38 (c) Notwithstanding any other law, the entities included in
- 39 subsection (b) shall send a notice of the upcoming expiration of a
- 40 license to each licensee at least sixty (60) days prior to the expiration
- 41 of the license. The notice must inform the licensee of the need to renew
- 42 and the requirement of payment of the renewal fee. If this notice of

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expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 10. IC 25-1-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the ~~health professions bureau's~~ **Indiana professional licensing agency's** ability to:

- (1) make maximum use of data processing as a means of more efficient operation; and
- (2) provide more services and carry out functions of superior quality.

SECTION 11. IC 25-1-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this chapter:

(1) "Agency" means the **Indiana professional licensing agency established by section 3 of this chapter.**

(2) "Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

~~"Bureau" means the bureau created by section 3 of this chapter.~~

SECTION 12. IC 25-1-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There is established the ~~health professions bureau.~~ **Indiana professional licensing agency.** The ~~bureau agency~~ shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).

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- (13) Controlled substances advisory committee (IC 35-48-2-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20).
- (15) Indiana physical therapy committee (IC 25-27).
- (16) Respiratory care committee (IC 25-34.5).
- (17) Occupational therapy committee (IC 25-23.5).
- (18) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (19) Physician assistant committee (IC 25-27.5).
- (20) Indiana athletic trainers board (IC 25-5.1-2-1).
- (21) Indiana dietitians certification board (IC 25-14.5-2-1).
- (22) Indiana hypnotist committee (IC 25-20.5-1-7).
- (23) Commission on health care interpreters and translators (IC 16-46-11.1-4).**

(b) Nothing in this chapter may be construed to give the ~~bureau~~ **agency** policy making authority, which authority remains with each board.

SECTION 13. IC 25-1-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The ~~bureau~~ **agency** shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.

(b) In addition the ~~bureau~~ **agency**:

- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize ~~bureau~~ **agency** staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
- (3) may consolidate, where feasible, office space, recordkeeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the ~~bureau~~ **agency** shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or

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1 certificate of the need to renew and the requirement of payment of the
 2 renewal fee. If this notice of expiration is not sent by the ~~bureau~~,
 3 **agency**, the holder of the license or certificate is not subject to a
 4 sanction for failure to renew if, once notice is received from the ~~bureau~~,
 5 **agency**, the license or certificate is renewed within forty-five (45) days
 6 after receipt of the notice.

7 (d) In administering an examination for licensure or certification,
 8 the ~~bureau~~ **agency** shall make the appropriate application forms
 9 available at least thirty (30) days before the deadline for submitting an
 10 application to all persons wishing to take the examination.

11 (e) The ~~bureau~~ **agency** may require an applicant for license renewal
 12 to submit evidence proving that:

13 (1) the applicant continues to meet the minimum requirements for
 14 licensure; and

15 (2) the applicant is not in violation of:

16 (A) the statute regulating the applicant's profession; or

17 (B) rules adopted by the board regulating the applicant's
 18 profession.

19 (f) The ~~bureau~~ **agency** shall process an application for renewal of a
 20 license or certificate:

21 (1) not later than ten (10) days after the ~~bureau~~ **agency** receives
 22 all required forms and evidence; or

23 (2) within twenty-four (24) hours after the time that an applicant
 24 for renewal appears in person at the ~~bureau~~ **agency** with all
 25 required forms and evidence.

26 This subsection does not require the ~~bureau~~ **agency** to issue a renewal
 27 license or certificate to an applicant if subsection (g) applies.

28 (g) The ~~bureau~~ **agency** may delay issuing a license renewal for up
 29 to ninety (90) days after the renewal date for the purpose of permitting
 30 the board to investigate information received by the ~~bureau~~ **agency** that
 31 the applicant for renewal may have committed an act for which the
 32 applicant may be disciplined. If the ~~bureau~~ **agency** delays issuing a
 33 license renewal, the ~~bureau~~ **agency** shall notify the applicant that the
 34 applicant is being investigated. Except as provided in subsection (h),
 35 before the end of the ninety (90) day period, the board shall do one (1)
 36 of the following:

37 (1) Deny the license renewal following a personal appearance by
 38 the applicant before the board.

39 (2) Issue the license renewal upon satisfaction of all other
 40 conditions for renewal.

41 (3) Issue the license renewal and file a complaint under IC 25-1-7.

42 (4) Request the office of the attorney general to conduct an

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1 investigation under subsection (i) if, following a personal
 2 appearance by the applicant before the board, the board has good
 3 cause to believe that there has been a violation of IC 25-1-9-4 by
 4 the applicant.

5 (5) Upon agreement of the applicant and the board and following
 6 a personal appearance by the applicant before the board, renew
 7 the license and place the applicant on probation status under
 8 IC 25-1-9-9.

9 (h) If an individual fails to appear before the board under subsection
 10 (g), the board may take action on the applicant's license allowed under
 11 subsection (g)(1), (g)(2) or (g)(3).

12 (i) If the board makes a request under subsection (g)(4), the office
 13 of the attorney general shall conduct an investigation. Upon completion
 14 of the investigation, the office of the attorney general may file a
 15 petition alleging that the applicant has engaged in activity described in
 16 IC 25-1-9-4. If the office of the attorney general files a petition, the
 17 board shall set the matter for a hearing. If, after the hearing, the board
 18 finds the practitioner violated IC 25-1-9-4, the board may impose
 19 sanctions under IC 25-1-9-9. The board may delay issuing the renewal
 20 beyond the ninety (90) days after the renewal date until a final
 21 determination is made by the board. The applicant's license remains
 22 valid until the final determination of the board is rendered unless the
 23 renewal is denied or the license is summarily suspended under
 24 IC 25-1-9-10.

25 (j) The license of the applicant for a license renewal remains valid
 26 during the ninety (90) day period unless the license renewal is denied
 27 following a personal appearance by the applicant before the board
 28 before the end of the ninety (90) day period. If the ninety (90) day
 29 period expires without action by the board, the license shall be
 30 automatically renewed at the end of the ninety (90) day period.

31 (k) Notwithstanding any other statute, the ~~bureau~~ **agency** may
 32 stagger license or certificate renewal cycles. However, if a renewal
 33 cycle for a specific board or committee is changed, the ~~bureau~~ **agency**
 34 must obtain the approval of the affected board or committee.

35 (l) An application for a license, certificate, registration, or permit is
 36 abandoned without an action of the board, if the applicant does not
 37 complete the requirements to complete the application within one (1)
 38 year after the date on which the application was filed. However, the
 39 board may, for good cause shown, extend the validity of the application
 40 for additional thirty (30) day periods. An application submitted after
 41 the abandonment of an application is considered a new application.

42 SECTION 14. IC 25-1-5-5 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~bureau~~
2 **agency** shall be administered by an executive director appointed by the
3 governor who shall serve at the will and pleasure of the governor.

4 (b) The executive director must be qualified by experience and
5 training.

6 (c) The term "executive director" or "secretary", or any other
7 statutory term for the administrative officer of a board listed in section
8 3 of this chapter, means the executive director of the ~~bureau~~ **agency** or
9 the executive director's designee.

10 (d) The executive director is the chief fiscal officer of the ~~bureau~~
11 **agency** and is responsible for hiring of all staff, and for procurement
12 of all services and supplies in accordance with IC 5-22. The executive
13 director and the employees of the ~~bureau~~ **agency** are subject to
14 IC 4-15-1.8 but are not under IC 4-15-2. The executive director may
15 appoint not to exceed three (3) deputy directors, who must be qualified
16 to work for the boards which are served by the ~~bureau~~ **agency**.

17 (e) The executive director shall execute a bond payable to the state,
18 with surety to consist of a surety or guaranty corporation qualified to do
19 business in Indiana, in an amount fixed by the state board of accounts,
20 conditioned upon the faithful performance of duties and the accounting
21 for all money and property that come into the executive director's hands
22 or under the executive director's control. The executive director may
23 likewise cause any employee of the ~~bureau~~ **agency** to execute a bond
24 if that employee receives, disburses, or in any way handles funds or
25 property of the ~~bureau~~ **agency**. The costs of any such bonds shall be
26 paid from funds available to the ~~bureau~~ **agency**.

27 (f) The executive director may present to the general assembly
28 legislative recommendations regarding operations of the ~~bureau~~ **agency**
29 and the boards it serves, including adoption of four (4) year license or
30 certificate renewal cycles wherever feasible.

31 (g) The executive director may execute orders, subpoenas,
32 continuances, and other legal documents on behalf of a board or
33 committee when requested to do so by the board or committee.

34 (h) The executive director or the executive director's designee may,
35 upon request of a board or committee, provide advice and technical
36 assistance on issues that may be presented to the boards or committees.

37 SECTION 15. IC 25-1-5-6 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The executive
39 director may designate certain employees of the ~~bureau~~ **agency** to
40 represent the executive director of the ~~bureau~~ **agency** at the board
41 meetings, proceedings, or other activities of the board.

42 (b) The executive director shall assign staff to individual boards and

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1 shall work with the boards to ensure efficient utilization and placement
2 of staff.

3 SECTION 16. IC 25-1-5-10 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) As used in this
5 section, "provider" means an individual licensed, certified, registered,
6 or permitted by any of the following:

- 7 (1) Board of chiropractic examiners (IC 25-10-1).
- 8 (2) State board of dentistry (IC 25-14-1).
- 9 (3) Indiana state board of health facility administrators
10 (IC 25-19-1).
- 11 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 12 (5) Indiana state board of nursing (IC 25-23-1).
- 13 (6) Indiana optometry board (IC 25-24).
- 14 (7) Indiana board of pharmacy (IC 25-26).
- 15 (8) Board of podiatric medicine (IC 25-29-2-1).
- 16 (9) Board of environmental health specialists (IC 25-32-1).
- 17 (10) Speech-language pathology and audiology board
18 (IC 25-35.6-2).
- 19 (11) State psychology board (IC 25-33).
- 20 (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 21 (13) Indiana physical therapy committee (IC 25-27).
- 22 (14) Respiratory care committee (IC 25-34.5).
- 23 (15) Occupational therapy committee (IC 25-23.5).
- 24 (16) Social worker, marriage and family therapist, and mental
25 health counselor board (IC 25-23.6).
- 26 (17) Physician assistant committee (IC 25-27.5).
- 27 (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- 28 (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- 29 (20) Indiana hypnotist committee (IC 25-20.5-1-7).

30 (b) The ~~bureau~~ **agency** shall create and maintain a provider profile
31 for each provider described in subsection (a).

32 (c) A provider profile must contain the following information:

- 33 (1) The provider's name.
- 34 (2) The provider's license, certification, registration, or permit
35 number.
- 36 (3) The provider's license, certification, registration, or permit
37 type.
- 38 (4) The date the provider's license, certification, registration, or
39 permit was issued.
- 40 (5) The date the provider's license, certification, registration, or
41 permit expires.
- 42 (6) The current status of the provider's license, certification,

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1 registration, or permit.

2 (7) The provider's city and state of record.

3 (8) A statement of any disciplinary action taken against the
4 provider within the previous ten (10) years by a board or
5 committee described in subsection (a).

6 (d) The ~~bureau~~ **agency** shall make provider profiles available to the
7 public.

8 (e) The computer gateway administered by the intelenet commission
9 under IC 5-21-2 and known as ~~Access Indiana~~ **accessIndiana** shall
10 make the information described in subsection (c)(1), (c)(2), (c)(3),
11 (c)(6), (c)(7), and (c)(8) generally available to the public on the
12 Internet.

13 (f) The ~~bureau~~ **agency** may adopt rules under IC 4-22-2 to
14 implement this section.

15 SECTION 17. IC 25-1-6-2 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this
17 chapter:

18 "Board" means any agency, board, advisory committee, or group
19 included in section 3 of this chapter.

20 "Licensing agency" means the Indiana professional licensing agency
21 created by ~~section 3 of this chapter~~ **IC 25-1-5-3**.

22 SECTION 18. IC 25-1-6-3 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) ~~There is~~
24 ~~established~~ The Indiana professional licensing agency ~~The licensing~~
25 ~~agency~~ shall perform all administrative functions, duties, and
26 responsibilities assigned by law or rule to the executive director,
27 secretary, or other statutory administrator of the following:

28 (1) Indiana board of accountancy (IC 25-2.1-2-1).

29 (2) Board of registration for architects and landscape architects
30 (IC 25-4-1-2).

31 (3) Indiana auctioneer commission (IC 25-6.1-2-1).

32 (4) State board of barber examiners (IC 25-7-5-1).

33 (5) State boxing commission (IC 25-9-1).

34 (6) State board of cosmetology examiners (IC 25-8-3-1).

35 (7) State board of funeral and cemetery service (IC 25-15-9).

36 (8) State board of registration for professional engineers
37 (IC 25-31-1-3).

38 (9) Indiana plumbing commission (IC 25-28.5-1-3).

39 (10) Indiana real estate commission (IC 25-34.1).

40 (11) Real estate appraiser licensure and certification board
41 (IC 25-34.1-8-1).

42 (12) Private detectives licensing board (IC 25-30-1-5.1).

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(13) State board of registration for land surveyors
(IC 25-21.5-2-1).

(14) Manufactured home installer licensing board (IC 25-23.7).

(15) Home inspectors licensing board (IC 25-20.2-3-1).

(b) Except for appeals of denials of license renewals to the executive director authorized by section 5.5 of this chapter, nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 19. IC 25-1-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The ~~bureau~~ **licensing agency** and the boards may allow the department of state revenue access to the name of each person who:

(1) is licensed under this chapter **or IC 25-1-5**; or

(2) has applied for a license under this chapter **or IC 25-1-5**.

(b) If the department of state revenue notifies the ~~bureau~~ **licensing agency** that a person is on the most recent tax warrant list, the ~~bureau~~ **licensing agency** may not issue or renew the person's license until:

(1) the person provides to the ~~bureau~~ **licensing agency** a statement from the department of revenue that the person's delinquent tax liability has been satisfied; or

(2) the ~~bureau~~ **licensing agency** receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

SECTION 20. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects

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- 1 (IC 25-4-1-2).
- 2 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 3 (4) State board of barber examiners (IC 25-7-5-1).
- 4 (5) State boxing commission (IC 25-9-1).
- 5 (6) Board of chiropractic examiners (IC 25-10-1).
- 6 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 7 (8) State board of dentistry (IC 25-14-1).
- 8 (9) State board of funeral and cemetery service (IC 25-15-9).
- 9 (10) State board of registration for professional engineers
- 10 (IC 25-31-1-3).
- 11 (11) Indiana state board of health facility administrators
- 12 (IC 25-19-1).
- 13 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 14 (13) Indiana state board of nursing (IC 25-23-1).
- 15 (14) Indiana optometry board (IC 25-24).
- 16 (15) Indiana board of pharmacy (IC 25-26).
- 17 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 18 (17) Board of podiatric medicine (IC 25-29-2-1).
- 19 (18) Board of environmental health specialists (IC 25-32-1).
- 20 (19) State psychology board (IC 25-33).
- 21 (20) Speech-language pathology and audiology board
- 22 (IC 25-35.6-2).
- 23 (21) Indiana real estate commission (IC 25-34.1-2).
- 24 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 25 (23) Department of natural resources for purposes of licensing
- 26 water well drillers under IC 25-39-3.
- 27 (24) Respiratory care committee (IC 25-34.5).
- 28 (25) Private detectives licensing board (IC 25-30-1-5.1).
- 29 (26) Occupational therapy committee (IC 25-23.5).
- 30 (27) Social worker, marriage and family therapist, and mental
- 31 health counselor board (IC 25-23.6).
- 32 (28) Real estate appraiser licensure and certification board
- 33 (IC 25-34.1-8).
- 34 (29) State board of registration for land surveyors
- 35 (IC 25-21.5-2-1).
- 36 (30) Physician assistant committee (IC 25-27.5).
- 37 (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- 38 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- 39 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- 40 (34) Indiana physical therapy committee (IC 25-27).
- 41 (35) Manufactured home installer licensing board (IC 25-23.7).
- 42 (36) Home inspectors licensing board (IC 25-20.2-3-1).

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**(37) Commission on health care interpreters and translators
(IC 16-46-11.1-4).**

~~(37)~~ **(38)** Any other occupational or professional agency created
after June 30, 1981.

SECTION 21. IC 25-1-7-5 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Subsection (b)(1)
does not apply to:

(1) a complaint filed by:

(A) a member of any of the boards listed in section 1 of this
chapter; or

(B) the ~~health professions bureau~~; **Indiana professional
licensing agency**; or

(2) a complaint filed under IC 25-1-5-4.

(b) The director has the following duties and powers:

(1) ~~He~~ **The director** shall make an initial determination as to the
merit of each complaint. A copy of a complaint having merit shall
be submitted to the board having jurisdiction over the licensee's
regulated occupation, that board thereby acquiring jurisdiction
over the matter except as otherwise provided in this chapter.

(2) ~~He~~ **The director** shall through any reasonable means notify
the licensee of the nature and ramifications of the complaint and
of the duty of the board to attempt to resolve the complaint
through negotiation.

(3) ~~He~~ **The director** shall report any pertinent information
regarding the status of the complaint to the complainant.

(4) ~~He~~ **The director** may investigate any written complaint
against a licensee. The investigation shall be limited to those
areas in which there appears to be a violation of statutes
governing the regulated occupation.

(5) ~~He~~ **The director** has the power to subpoena witnesses and to
send for and compel the production of books, records, papers, and
documents for the furtherance of any investigation under this
chapter. The circuit or superior court located in the county where
the subpoena is to be issued shall enforce any such subpoena by
the director.

SECTION 22. IC 25-1-7-6 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) This section does
not apply to:

(1) a complaint filed by:

(A) a member of any of the boards listed in section 1 of this
chapter; or

(B) the ~~health professions bureau~~; **Indiana professional**

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1 **licensing agency; or**

2 (2) a complaint filed under IC 25-1-5-4.

3 (b) If, at any time before the director files his recommendations with
4 the attorney general, the board files with the director a statement signed
5 by the licensee and the complainant that the complaint has been
6 resolved, the director shall not take further action. For a period of thirty
7 (30) days after the director has notified the board and the licensee that
8 a complaint has been filed, the division shall not conduct any
9 investigation or take any action whatsoever, unless requested by the
10 board. If, during the thirty (30) days, the board requests an extension
11 of the thirty (30) day time period, the director shall grant it for a period
12 not exceeding an additional twenty (20) days. If at any time during the
13 thirty (30) day period or an extension thereof, the board notifies the
14 director of its intention not to proceed further to resolve the complaint,
15 the division may proceed immediately under this chapter. For every
16 purpose of this section, a board may designate a board member or staff
17 member to act on behalf of or in the name of the board.

18 SECTION 23. IC 25-1-8-1 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this
20 chapter, "board" means any of the following:

- 21 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 22 (2) Board of registration for architects and landscape architects
23 (IC 25-4-1-2).
- 24 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 25 (4) State board of barber examiners (IC 25-7-5-1).
- 26 (5) State boxing commission (IC 25-9-1).
- 27 (6) Board of chiropractic examiners (IC 25-10-1).
- 28 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 29 (8) State board of dentistry (IC 25-14-1).
- 30 (9) State board of funeral and cemetery service (IC 25-15).
- 31 (10) State board of registration for professional engineers
32 (IC 25-31-1-3).
- 33 (11) Indiana state board of health facility administrators
34 (IC 25-19-1).
- 35 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 36 (13) Mining board (IC 22-10-1.5-2).
- 37 (14) Indiana state board of nursing (IC 25-23-1).
- 38 (15) Indiana optometry board (IC 25-24).
- 39 (16) Indiana board of pharmacy (IC 25-26).
- 40 (17) Indiana plumbing commission (IC 25-28.5-1-3).
- 41 (18) Board of environmental health specialists (IC 25-32-1).
- 42 (19) State psychology board (IC 25-33).

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(20) Speech-language pathology and audiology board
(IC 25-35.6-2).

(21) Indiana real estate commission (IC 25-34.1-2-1).

(22) Indiana board of veterinary medical examiners
(IC 15-5-1.1-3).

(23) Department of insurance (IC 27-1).

(24) State police department (IC 10-11-2-4), for purposes of
certifying polygraph examiners under IC 25-30-2.

(25) Department of natural resources for purposes of licensing
water well drillers under IC 25-39-3.

(26) Private detectives licensing board (IC 25-30-1-5.1).

(27) Occupational therapy committee (IC 25-23.5-2-1).

(28) Social worker, marriage and family therapist, and mental
health counselor board (IC 25-23.6-2-1).

(29) Real estate appraiser licensure and certification board
(IC 25-34.1-8).

(30) State board of registration for land surveyors
(IC 25-21.5-2-1).

(31) Physician assistant committee (IC 25-27.5).

(32) Indiana athletic trainers board (IC 25-5.1-2-1).

(33) Board of podiatric medicine (IC 25-29-2-1).

(34) Indiana dietitians certification board (IC 25-14.5-2-1).

(35) Indiana physical therapy committee (IC 25-27).

(36) Manufactured home installer licensing board (IC 25-23.7).

(37) Home inspectors licensing board (IC 25-20.2-3-1).

**(38) Commission on health care interpreters and translators
(IC 16-46-11.1-4).**

~~(38)~~ (39) Any other occupational or professional agency created
after June 30, 1981.

SECTION 24. IC 25-1-8-6 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) As used in this
section, "board" has the meaning set forth in IC 25-1-4-0.3.

(b) This section does not apply to a license, certificate, or
registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a
delinquent or lapsed license, certificate, or registration, the holder of
a license, certificate, or registration that was issued by the board that
is three (3) years or less delinquent must be reinstated upon meeting
the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board
under section 2 of this chapter.

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(3) Payment of a reinstatement fee established by the ~~health professions bureau~~ **Indiana professional licensing agency**.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 25. IC 25-1-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board

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(IC 25-35.6-2).

(11) State psychology board (IC 25-33).

(12) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(13) Indiana physical therapy committee (IC 25-27-1).

(14) Respiratory care committee (IC 25-34.5).

(15) Occupational therapy committee (IC 25-23.5).

(16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

(17) Physician assistant committee (IC 25-27.5).

(18) Indiana athletic trainers board (IC 25-5.1-2-1).

(19) Indiana dietitians certification board (IC 25-14.5-2-1).

(20) Indiana hypnotist committee (IC 25-20.5-1-7).

(21) Commission on health care interpreters and translators (IC 16-46-11.1-4).

SECTION 26. IC 25-1-9-6.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.9. In addition to the actions listed under section 4 of this chapter that subject a practitioner to disciplinary sanctions, a practitioner is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds that the practitioner has:

(1) failed to provide information requested by the ~~bureau~~; **Indiana professional licensing agency**; or

(2) knowingly provided false information to the ~~bureau~~; **Indiana professional licensing agency**;

for a provider profile required under IC 25-1-5-10.

SECTION 27. IC 25-33-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The board shall issue a license to practice psychology to an individual who:

(1) applies in the manner required by the board;

(2) pays a fee;

(3) is at least eighteen (18) years of age;

(4) has not been convicted of a crime that has a direct bearing on the individual's ability to practice competently;

(5) holds, at the time of application, a valid license or certificate as a psychologist from another state;

(6) possesses a doctoral degree from a recognized institution of higher learning;

(7) has successfully completed:

(A) a degree program that would have been approved by the board at the time the individual was licensed or certified in the other state; or

(B) if the individual was licensed or certified in the other state

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- 1 before July 1, 1969, a degree program that satisfied the
 2 educational requirements of the board in effect January 4,
 3 1971;
 4 (8) has practiced psychology continuously since being licensed or
 5 certified;
 6 (9) if the individual was licensed or certified by the other state:
 7 (A) after September 30, 1972, has taken the Examination for
 8 the Professional Practice of Psychology and achieved the
 9 passing score required by the board at the time the
 10 examination was administered; or
 11 (B) before January 1, 1990, and the other state required an
 12 examination other than the Examination for the
 13 Professional Practice of Psychology, achieved a passing
 14 score in the other state at the time of licensure or
 15 certification;
 16 (10) has passed an examination administered by the board that
 17 covers Indiana law related to the practice of psychology; and
 18 (11) is not in violation of this chapter or rules adopted under this
 19 chapter.
 20 (b) The board may adopt rules under IC 4-22-2 concerning the
 21 issuance of a license under this section.
 22 SECTION 28. IC 25-1-5-8 IS REPEALED [EFFECTIVE JULY 1,
 23 2005].
 24 SECTION 29. [EFFECTIVE JULY 1, 2005] (a) The rules adopted
 25 by the health professions bureau before July 1, 2005, and in effect
 26 on June 30, 2005, shall be treated after June 30, 2005, as the rules
 27 of the Indiana professional licensing agency.
 28 (b) On July 1, 2005, the Indiana professional licensing agency
 29 becomes the owner of all of the property of the health professions
 30 bureau. An appropriation made to the health professions bureau
 31 shall be treated after June 30, 2005, as an appropriation to the
 32 Indiana professional licensing agency.
 33 (c) Any reference in a law, a rule, a license, a registration, a
 34 certification, or an agreement to the health professions bureau
 35 shall be treated after June 30, 2005, as a reference to the Indiana
 36 professional licensing agency.
 37 SECTION 30. [EFFECTIVE JULY 1, 2005] (a) The legislative
 38 services agency shall prepare legislation for introduction in the
 39 2006 regular session of the general assembly to make conforming
 40 statutory changes, as needed, to reconcile the statutes with this act.
 41 (b) This SECTION expires June 30, 2007.
 42 SECTION 31. [EFFECTIVE JULY 1, 2005] (a) As used in this

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1 SECTION, "commission" refers to the commission on health care
2 interpreters and translators established by IC 16-46-11.1-4.

3 (b) The following shall serve as technical advisers to the
4 commission:

5 (1) One (1) member representing the department of
6 correction who is appointed by the commissioner of the
7 department of correction.

8 (2) One (1) member representing the department of education
9 who is appointed by the state superintendent of public
10 instruction.

11 (3) One (1) member representing the office of Medicaid policy
12 and planning who is appointed by the director of the office of
13 Medicaid policy and planning.

14 (4) One (1) member representing the state department of
15 health appointed by the state health commissioner.

16 (5) One (1) member representing local health departments
17 appointed by the state health commissioner.

18 (c) The commission may establish work groups to assist the
19 commission in establishing qualifications for certified health care
20 interpreters and certified health care translators under
21 IC 16-46-11.1-6, as amended by this act.

22 (d) A person who continues to be a member of the commission
23 according to the list set forth in IC 16-46-11.1-5, as amended by
24 this act, and who was appointed as a member of the commission by
25 the state health commissioner before July 1, 2005, continues to
26 serve until the member's term expires.

27 (e) The commission is not required to certify health care
28 interpreters and health care translators until after June 30, 2010.

29 (f) This SECTION expires July 1, 2010.

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COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 607, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 607 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 607, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-46-11.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. For purposes of this chapter, "health care interpreter" means a professional interpreter who works primarily in the field of health care, facilitating the **bilingual** oral communication among a:

- (1) provider;
- (2) patient; and
- (3) patient's family.

SECTION 2. IC 16-46-11.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The commission on health care interpreters and translators is established. The ~~state department~~ **Indiana professional licensing agency** shall provide staff for the commission.

SECTION 3. IC 16-46-11.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The commission consists of the following ~~fifteen (15)~~ **eleven (11)** members:

- ~~(1) One (1) member representing the state department.~~
- ~~(2) One (1) member representing local health departments.~~
- ~~(3)~~ **(1)** One (1) member representing the medical profession.
- ~~(4)~~ **(2)** One (1) member representing institutions of higher education in Indiana.
- ~~(5)~~ **(3)** Two (2) members representing patient advocacy groups.
- ~~(6)~~ **(4)** One (1) member representing community organizations.
- ~~(7)~~ **(5)** One (1) member representing interpreter professional associations.
- ~~(8)~~ **(6)** One (1) member representing translator professional associations.
- ~~(9)~~ **(7)** One (1) member representing hospitals.
- ~~(10)~~ **(8)** One (1) member representing the interagency state council on black and minority health.
- ~~(11) One (1) member representing the department of correction who is nominated by the commissioner of the department of correction.~~
- ~~(12) One (1) member representing the department of education~~

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who is nominated by the state superintendent of public instruction:

(13) One (1) member representing the office of Medicaid policy and planning who is nominated by the director of the office of Medicaid policy and planning:

(14) The executive director of the health professions bureau or the executive director's designee:

(9) One (1) member representing organizations for the deaf and hard of hearing.

(10) One (1) member who is not a health care professional and is associated with the health care interpreters or translators profession other than as a consumer.

The ~~state health commissioner~~ **governor** shall appoint the members of the commission. ~~designated by subdivisions (1) through (13):~~ The appointments made under this subsection must be made in a manner to maintain cultural and language diversity.

(b) The ~~state health commissioner commission~~ shall ~~designate:~~ **annually elect:**

(1) one (1) member **of the commission** as chairperson of the commission; and

(2) one (1) member **of the commission** as vice chairperson of the commission.

(c) ~~Except for the member of the commission designated by subsection (a)(14):~~ A member is appointed to a term of two (2) years or until a successor is appointed. A member may be reappointed to an unlimited number of terms.

(d) ~~Except for the member of the commission designated by subsection (a)(14):~~ If a member:

(1) resigns;

(2) dies; or

(3) is removed from the commission;

before the expiration of the member's term, the ~~state health commissioner~~ **governor** shall appoint a new member to serve for the remainder of the term.

~~(e) The expenses of the commission shall be paid from funds appropriated to the state department:~~

(e) The governor may remove a member of the commission for cause.

(f) Each member of the commission who is **not** a state employee is entitled to **the minimum salary per diem as provided under IC 4-10-11-2.1(b) and reimbursement for traveling expenses as provided under IC 4-13-1-4** and other expenses actually incurred in

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connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure.

(h) The commission shall meet quarterly or on the call of the chairperson.

SECTION 4. IC 16-46-11.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The commission shall **adopt rules under IC 4-22-2** to do the following:

- (1) Write bylaws concerning the operation of the commission.
- (2) Define the terms "health care interpreter" and "health care translator".
- (3) Review and determine the proper level of regulation or oversight that Indiana should have over health care interpreters and health care translators practicing in Indiana.
- (4) Recommend the level and type of education necessary to perform the job of:
 - (A) a health interpreter; and
 - (B) a health care translator.
- (5) Recommend standards that health care interpreters and health care translators should meet in order to practice in Indiana.
- (1) Establish qualifications for certified health care interpreters, including proficiency standards in the following areas:
 - (A) Multiple languages.
 - (B) Ethics.
 - (C) Cultural competency.
 - (D) Knowledge of health care terminology and health care systems.
- (2) Establish qualifications for registered qualified health care interpreters who meet basic competencies.
- (3) Establish qualifications for certified health care translators, including proficiency standards in the following areas:
 - (A) Multiple languages.
 - (B) Ethics.
 - (C) Cultural competency.
 - (D) Knowledge of health care terminology and health care systems.
 - (E) Writing, proofreading, and editing skills.

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(4) Establish qualifications for registered qualified health care translators who meet basic competencies.

(5) Establish a code of ethics for health care interpreters and translators.

(6) Provide examinations required for certification under this chapter.

(7) Establish renewal procedures.

(b) The commission shall establish fees for purposes of this chapter under IC 25-1-8-2.

SECTION 5. IC 16-46-11.1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The hospital council established by IC 16-21-1-1 shall adopt criteria that allow a hospital licensed under IC 16-21-2 to provide a hospital in-service program to train health care interpreters and health care translators. The hospital council shall consider the qualifications established under section 6 of this chapter when determining the criteria for hospital in-service programs.

(b) An individual who successfully completes a hospital health care interpreter or health care translator in-service program that:

(1) is administered by a hospital licensed under IC 16-21-2; and

(2) meets the requirements established by the hospital council; meets the qualifications for registration and certification as a health care interpreter or a health care translator and is exempt from the examination provided under section 6(a) of this chapter.

SECTION 6. IC 16-46-11.1-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. An individual may not:

(1) profess to be a:

(A) certified health care interpreter;

(B) certified health care translator;

(C) registered qualified health care interpreter; or

(D) registered qualified health care translator;

(2) use the title:

(A) certified health care interpreter;

(B) certified health care translator;

(C) registered qualified health care interpreter; or

(D) registered qualified health care translator; or

(3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is certified or registered under this chapter;

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unless the individual is certified or registered under this chapter.

SECTION 7. IC 16-46-11.1-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 9. An individual who violates this chapter commits a Class C infraction.**

SECTION 8. IC 25-1-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home park licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.

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- (26) Dietitians.
- (27) Hypnotists.
- (28) Athlete agents.
- (29) Manufactured home installers.
- (30) Home inspectors.

(31) Health care interpreters and translators.

SECTION 9. IC 25-1-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private detectives licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.
- (27) Board of chiropractic examiners.

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- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.
- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, and mental health counselor board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Attorney general (only for the regulation of athlete agents).
- (41) Manufactured home installer licensing board.
- (42) Home inspectors licensing board.
- (43) Commission on health care interpreters and translators (IC 16-46-11.1-4).**
- ~~(43)~~ **(44)** Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice."

Page 1, between lines 11 and 12, begin a new line block indented and insert:

"(1) "Agency" means the Indiana professional licensing agency established by section 3 of this chapter."

Page 1, line 12, before "Board" begin a new line block indented and insert:

"(2)".

Page 1, line 14, delete ""Agency"".

Page 1, line 14, strike "means the".

Page 1, line 14, delete "Indiana professional".

Page 1, line 15, delete "licensing agency".

Page 1, line 15, strike "created by section 3 of this chapter".

Page 2, between lines 29 and 30, begin a new line block indented

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and insert:

"(23) Commission on health care interpreters and translators (IC 16-46-11.1-4)."

Page 6, delete lines 19 through 32.

Page 7, line 39, strike "Access Indiana" and insert "**accessIndiana**".

Page 9, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 21. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).

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- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private detectives licensing board (IC 25-30-1-5.1).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) Commission on health care interpreters and translators (IC 16-46-11.1-4).**
- ~~(37)~~ **(38)** Any other occupational or professional agency created after June 30, 1981."

Page 10, between lines 22 and 23, begin a new paragraph and insert:
 "SECTION 24. IC 25-1-8-1 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this
 chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).



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- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
- (23) Department of insurance (IC 27-1).
- (24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (26) Private detectives licensing board (IC 25-30-1-5.1).
- (27) Occupational therapy committee (IC 25-23.5-2-1).
- (28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
- (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (30) State board of registration for land surveyors (IC 25-21.5-2-1).
- (31) Physician assistant committee (IC 25-27.5).
- (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- (33) Board of podiatric medicine (IC 25-29-2-1).
- (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).
- (36) Manufactured home installer licensing board (IC 25-23.7).
- (37) Home inspectors licensing board (IC 25-20.2-3-1).
- (38) Commission on health care interpreters and translators (IC 16-46-11.1-4).**
- ~~(38)~~ **(39)** Any other occupational or professional agency created after June 30, 1981."

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Page 11, between lines 21 and 22, begin a new paragraph and insert:
 "SECTION 26. IC 25-1-9-1 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this
 chapter, "board" means any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Indiana physical therapy committee (IC 25-27-1).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- (20) Indiana hypnotist committee (IC 25-20.5-1-7).
- (21) Commission on health care interpreters and translators (IC 16-46-11.1-4)."**

Page 11, between lines 32 and 33, begin a new paragraph and insert:
 "SECTION 29. IC 25-33-1-9 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The board shall
 issue a license to practice psychology to an individual who:

- (1) applies in the manner required by the board;
- (2) pays a fee;
- (3) is at least eighteen (18) years of age;
- (4) has not been convicted of a crime that has a direct bearing on the individual's ability to practice competently;
- (5) holds, at the time of application, a valid license or certificate as a psychologist from another state;
- (6) possesses a doctoral degree from a recognized institution of higher learning;

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(7) has successfully completed:

(A) a degree program that would have been approved by the board at the time the individual was licensed or certified in the other state; or

(B) if the individual was licensed or certified in the other state before July 1, 1969, a degree program that satisfied the educational requirements of the board in effect January 4, 1971;

(8) has practiced psychology continuously since being licensed or certified;

(9) if the individual was licensed or certified by the other state:

(A) after September 30, 1972, has taken the Examination for the Professional Practice of Psychology and achieved the passing score required by the board at the time the examination was administered; or

(B) before January 1, 1990, and the other state required an examination other than the Examination for the Professional Practice of Psychology, achieved a passing score in the other state at the time of licensure or certification;

(10) has passed an examination administered by the board that covers Indiana law related to the practice of psychology; and

(11) is not in violation of this chapter or rules adopted under this chapter.

(b) The board may adopt rules under IC 4-22-2 concerning the issuance of a license under this section."

Page 12, after line 10, begin a new paragraph and insert:

"SECTION 32. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "commission" refers to the commission on health care interpreters and translators established by IC 16-46-11.1-4.

(b) The following shall serve as technical advisers to the commission:

(1) One (1) member representing the department of correction who is appointed by the commissioner of the department of correction.

(2) One (1) member representing the department of education who is appointed by the state superintendent of public instruction.

(3) One (1) member representing the office of Medicaid policy and planning who is appointed by the director of the office of Medicaid policy and planning.

(4) One (1) member representing the state department of

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health appointed by the state health commissioner.

(5) One (1) member representing local health departments appointed by the state health commissioner.

(c) The commission may establish work groups to assist the commission in establishing qualifications for certified health care interpreters and certified health care translators under IC 16-46-11.1-6, as amended by this act.

(d) A person who continues to be a member of the commission according to the list set forth in IC 16-46-11.1-5, as amended by this act, and who was appointed as a member of the commission by the state health commissioner before July 1, 2005, continues to serve until the member's term expires.

(e) The commission is not required to certify health care interpreters and health care translators until after June 30, 2010.

(f) This SECTION expires July 1, 2010."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 607 as printed February 11, 2005.)

BECKER, Chair

Committee Vote: yeas 9, nays 0.

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